

ZONING BOARD OF REVIEW

Barrington, Rhode Island

May 19, 2011

APPLICATIONS: #3615, 3618, 3619, 3622, 3623, 3624, 3625 and 3626

MINUTES OF THE MEETING:

At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, David Rizzolo and Stephen Venuti.

Also present was solicitor Andrew Teitz and Building Official Robert Speaker.

At 7:06 P.M. Mr. Kraig opened the meeting and the Board proceeded to hear the following matters. At 9:16 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on those applications it had heard that had not been continued.

Continuation of application #3615, Andrew Tolley and Elizabeth McGowan, 49 Barnsdale Road, East Providence, RI 02914, applicants, Richard and Joanne Webber, 43 Woodbine Avenue, Barrington, RI 02806, owners, for permission to construct a two-story addition, a one-story garage and a porch; Assessor's Plat 1, Lot 212, R-10

District, 43 Woodbine Avenue, Barrington, RI 02806, requiring relief for front yard setback, rear yard setback, and for being within 100 feet of a wetlands/waterbody.

Mr. Kraig read into the record a letter from the applicant requesting the matter be withdrawn.

MOTION: Upon a motion by Mr. Rizzolo, with a second by Mr. Dennehy, the matter was unanimously (5-0) withdrawn.

Continuation of application #3618, Kevin and Joanna Dunn, 40 Bluff Road, Barrington, RI 02806, applicants and owners, for permission to replace existing porch over entry; Assessor's Plat 8, Lot 4, R-25 District, 40 Bluff Road, Barrington, RI 02806, requiring dimensional variance for front yard setback.

Before this matter was heard, Mr. Rizzolo recused himself.

Present: Kevin Dunn, 40 Bluff Road, Barrington, RI

Scott Weymouth, architect, 14 Imperial Place, Providence, RI

There was no one in the audience to speak for or against this application.

The following item was submitted as an exhibit:

„« Photo of the house's original condition

The applicants explained that they have been renovating the house

and are seeking to return it to its original condition, including adding a porch, which had been removed previously. It was noted that the proposed porch is higher than the original porch, due to the fact that a previous owner had raised the entrance. The porch will be no closer to the lot line than the existing house, and it was noted that the need for relief was due to the fact that this was a corner lot, imposing two front yard setbacks.

MOTION: Mr. Venuti moved to approve this application. Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The encroachment on the setback is minimal

„« The proposal is an improvement over existing conditions

„« There will be minimal impact on the surrounding neighborhood

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the

applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Continuation of application #3619, Gordon and Diane Hutton, 88 Boyce Avenue, Barrington, RI 02806, applicants and owners, for permission to change front and side elevation design approved by the ZBR on Application #3572; Assessor's Plat 34, Lot 47, R-10 District, 101 Boyce Avenue, Barrington, RI 02806, requiring variance for being within the 100' setback from the wetlands/waterbody.

Present: Gordon Hutton, 88 Boyce Avenue, Barrington, RI

There was no one in the audience to speak for or against the application.

Mr. Kraig recapped the information that was presented at the April meeting. Mr. Hutton stated that over the last month he has met with the Tomulonis', who had expressed concerns at the prior meeting since they had not had an adequate opportunity to review the application, and he had explained to them what he was seeking to do.

It was noted that the Tomulonis^j were not present at this meeting.

The Board questioned if rear yard relief would be required for the proposal. Mr. Hutton assured the Board that he had adequate distance in the rear. If he were to exceed the 20^j setback, he would need to return to the Board for further relief.

MOTION: Mr. Venuti moved to grant the application. Upon a second by Mr. Dennehy, the motion carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The need for relief is based on an extremely minor change from the originally approved plan, which does not affect any element of the relief granted

„« The proposal meets all required setbacks; the relief required is due solely to the proximity to the waterbody.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section ^j±185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of

the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3622, Thomas and Debra Hall, 15 Nobel Avenue, Barrington, RI 02806, applicants and owners, for permission to construct family room/bathroom addition and extend garage; Assessor's Plat 4, Lot 88, R-25 District, 15 Noble Avenue, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/water body and for being within 100' of the wetlands overlay district.

Present: Thomas and Debra Hall, 15 Nobel Avenue, Barrington, RI
Scott Weymouth, architect, 14 Imperial Place, Providence, RI

In the audience:

Douglas Materne, Barrington Conservation Commission

Before the testimony began, Mr. Kraig read into the record the Conservation Commission's recommendation for this application. The applicants explained that they are seeking to create a bump out

to the north and west of the property. They would like to convert one bay of the garage to a mudroom, and then add 12 feet to the garage. Their current house does not fit the needs of the family, as there are currently only one and a half bathrooms in the house and the den and office space are too small. The addition, at its closest point, will be 11 feet closer to the wetlands than the current conditions; however the home will still be 65 feet from the wetlands.

MOTION: Mr. Freel moved to approve the application with the following condition:

„« Adequate erosion controls be used during construction

Mr. Ridlon seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The request is modest in scale

„« The family needs additional space to serve its needs

„« The proposed location is the most logical location for an addition

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the

applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3623, Margie and Todd Reed, 24 Rumstick Drive, Barrington, RI 02806, applicants and owners, for permission to install an 8' x 10' shed; Assessor's Plat 11, Lot 007, R-40 District, 24 Rumstick Drive, Barrington, RI 02806, requiring dimensional relief for front yard setback.

Before this matter began, Mr. Freel recused himself.

Present: Todd Reed, 24 Rumstick Drive, Barrington, RI

There was no one in the audience to speak for or against this application.

The following item was submitted as an exhibit:

„« Enlarged Assessor's map to illustrate the relationship of the

property to the road

Mr. Reed explained that his lot is oddly shaped, with Rumstick Drive cutting through his lot. He is seeking to build a shed to house his children's toys and yard gear so that he can access the side entrance to the house in order to provide safe passage, rather than have to cross the street in order to get to the other entrance. Mr. Reed would like to place the shed next to the driveway in order to provide the best, safest access for the riding toys to the driveway where the children will be playing with them. Additionally, the proposed location for the shed is the most logical location for a shed and it will not interfere with his neighbors' view of the water.

MOTION: Upon a motion by Mr. Venuti, with a second by Mr. Dennehy, the Board voted unanimously (5-0) to grant this application.

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The proposed location is the most logical location to serve the family's needs

„« The proposed location will have minimal impact on the surrounding neighborhood.

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section

§185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3624, Michael Malik, 20 Edwin Street, Barrington, RI 02806, applicant and owner, for permission to create a bedroom addition and expand first-floor living space: Assessor's Plat 1, Lot 108, R-10 District, 20 Edwin Street, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback, and exceeding lot coverage as well as relief for being within 100' of a wetlands/water body.

Present: Michael Malik, 20 Edwin Street, Barrington, RI

Sean Solley, architect, 31 Woodbine Avenue, Barrington, RI

In the audience:

Douglas Materne, Barrington Conservation Commission

Before the testimony began, Mr. Kraig read into the record the Conservation Commission's recommendation for this application. Mr. Malik explained that his family has grown and they now have three children; therefore, their two-bedroom home no longer fits their needs. They are seeking to build a 150 square foot addition in order to create more space on the first floor and add a bedroom on the second. While the proposal does encroach on the waterbody setback, it will be no closer to the waterbody than the existing home.

MOTION: Mr. Ridlon moved to grant this application with the following conditions:

„« Adequate erosion controls be used during construction

„« All materials to be stored on Ernest St. side of parcel

Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The applicant's family has grown and needs more space

„« The proposal will have minimal impact on the neighborhood and the area's unique characteristics

„« The proposed location is the most logical location for the addition

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3625, Barrington Yacht Club, 25 Barton Avenue, Barrington, RI 02806, applicant, Egbert Realty, 17 Barton Avenue, Barrington, RI 02806, owner, for permission to allow RV/camper parking and small personal tent set up for a single event; Assessor's Plat 27, Lot 78, WB District, 17 Barton Avenue, Barrington, RI 02806, requiring a special use permit.

Before this matter began, Mr. Kraig, Mr. Freel and Mr. Blasbalg disclosed that they were members of the Yacht Club; however, none of them were officials of the Club or committee members.

Present: Sally Phillips, Barrington Yacht Club, 25 Barton Avenue, Barrington, RI

Suzie Terhune, Egbert Realty, 17 Barton Avenue, Barrington, RI

There was no one in the audience to speak for or against this application.

The applicants explained that the Yacht Club will be hosting a regatta and it is anticipated that some of the participants will be looking to camp either in tents or RVs during the event. The applicants are seeking permission to allow camping during the event on the neighboring property owned by Stanley's Boat Yard. Camping will be limited to registered participants in the event. There will be sufficient access to sanitary facilities at all hours, and all local regulations will be adhered to. It was also noted that police regularly patrol the area.

MOTION: Mr. Venuti moved to grant a Special Use Permit for July 18th through July 25, 2011, with the following condition:

„« All local ordinances must be adhered to, including, but not limited to: no fires and all trash must be contained on site.

Mr. Freel seconded the motion and it carried unanimously (5-0).

DISCUSSION:

The Board members stated they were in favor of approving the application for the following reasons:

„« The proposal is for a single event

„« There is adequate space for the proposal

„« The proposal serves a specific need and will benefit the community as it relates to the event

REASON FOR DECISION:

It was the judgment of the Board that the standards in Section §185-73 have been met: That A). The public convenience and welfare will be substantially served, B). It will be in harmony with the general purpose of this chapter, and with the Comprehensive Community Plan, C). It will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community and D). It will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

Application #3626, R.J. Plante II, 540 Matunuck Beach Road, South Kingstown, RI 02879, applicant, Francine Soldi, 27 Half Mile Road, Barrington, RI 02806, owner, for permission to create a library addition; Assessor's Plat 24, Lot 172, R-25 District, 27 Half Mile Road, Barrington, RI 02806, requiring relief for being within 100' of a wetlands/waterbody.

**Present: R.J. Plante II, 540 Matunuck Beach Road, South Kingstown,
RI**

In the audience:

Douglas Materne, Barrington Conservation Commission

Gabrielle Regenstein, 25 Half Mile Road

Andy Reich, 21 Half Mile Road

Andrew Lazarus, 9 Half Mile Road

The following item was submitted as an exhibit:

„« Petition in opposition to application

Before the testimony began, Mr. Kraig read into the record the Conservation Commission's recommendation for denial of this application.

Mr. Plante opened by explaining that the homeowners have an extensive collection of books and manuscripts and are seeking to construct a library to house the collection. The structure would be a two-story addition, with a total square footage on two floors of approximately 1900 square feet. Mr. Plante noted that several locations had been considered for the addition, however due to the flow of the existing home, the proposed location was the most logical. Mr. Materne stated that the Conservation Commission was opposed to the application due to its proximity to the wetlands. Mr. Plante countered that the property was mostly wooded wetlands and

the proposed addition would be an improvement over current conditions as invasive plants would be removed and replaced with appropriate planting and the drainage will be mitigated by a new drainage plan.

Several neighbors spoke in opposition to the proposal, noting that they do not desire greater encroachment on the natural, wooded wetlands, the scope of the proposal seems excessive, and concerns were raised regarding the residency of the homeowners. Mr. Plante stated that the owners do currently reside in Florence, Italy; however, they are seeking to make this property their full-time home.

The Board members stated that they had a great deal of difficulty seeing how the proposal meets the standards of "least relief necessary", "hardship" and of "hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience." It was noted that there are many other portions of the property that are farther removed from the wetlands than the proposed site. The Board encouraged the applicant to consider other options.

MOTION: Mr. Freel moved to continue this application to the July 21, 2011 meeting. Mr. Ridlon seconded the motion and it carried unanimously (5-0).

MINUTES OF THE PREVIOUS MEETING:

A motion was made by Mr. Rizzolo and seconded by Mr. Venuti to accept the April 21, 2011 Zoning Board of Review minutes with changes. The motion carried unanimously (5-0).

ADJOURN:

There being no other business, Mr. Venuti moved to adjourn at 10:08 P.M. Mr. Freel seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

cc: Andrew Teitz, Solicitor